

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE: ) Case No. 08-83148  
)  
TAFFY DENISE DEVERS, )  
)  
Debtor. )

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW Deutsche Bank National Trust Company, as Trustee, Assignee of Citi Residential Lending, Inc. a creditor herein, and shows to the Court that the above Debtor has filed a proceeding under Chapter 13 of the bankruptcy code and that same is still pending.

1. That on the 10<sup>th</sup> day of March, 2005, the Debtor executed a certain promissory note and deed of trust in favor of this Creditor's assignor with regard to the following described real estate to-wit:

Part of Lots 1, 2 and 3, Block 21, Florence Field, Douglas County, Nebraska, bounded as follows; beginning at the Northeast corner of said Lot 1 and running thence Westerly along the South line of Ernst Street to the Northwest corner of said Lot 3, thence in a Southerly direction along the West line of said Lot 3, a distance of 43.24 feet; thence Easterly in a direct line to a point on the West line of 33<sup>rd</sup> Street 58.7 feet South of the Northeast corner of said Lot 1; thence North 58.7 feet to the place of beginning.

that said deed of trust was recorded in the office of the Register of Deeds of Douglas County, Nebraska on the 21<sup>st</sup> day of March, 2005 as Instrument No. 2005031302 of the Mortgage Records of said County.

2. That the plan filed by the above referenced Debtor provided that said Debtor would make the mortgage payments to this Creditor outside of said plan.

3. That said Debtor, since the filing of the above referenced bankruptcy proceeding, same occurring on December 9, 2008, through February, 2010, has made eleven (11) of the required fourteen (14) payments, and therefore, said Debtor is three (3) payments in arrears.

That the monthly payment required to be made by the Debtor to this Creditor is in the amount of EIGHT HUNDRED NINETY ONE DOLLARS AND FORTY NINE CENTS (\$891.49).

That the Debtor, by the failure to make timely payments, has diminished the security of this Creditor.

4. That this Creditor desires to proceed with the foreclosure of the above referenced premises, pursuant to the deed of trust executed by the above referenced Debtor, and that the stay presently in existence should be lifted with regard to this Creditor.

WHEREFORE, Deutsche Bank National Trust Company, as Trustee requests that the Court grant relief from the automatic stay provided in Subsection (a) of Title II, Section 362 of the bankruptcy code, that the Court waive the ten day stay provided for in Rule 4001(a)(3) and such other relief as may be appropriate to protect this Creditor's rights herein.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE, Assignee,  
Creditor,

By: /s/ Thomas J. Young

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ATTORNEY FOR CREDITOR